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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,827	07/06/2001	Barry H. Schwab	VID-02202/29	8990

7590

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EXAMINER

ORGAD, EDAN

ART UNIT

PAPER NUMBER

2684

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/900,827

Applicant(s)

SCHWAB ET AL.

Examiner

Edan Orgad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 2/28/05 have been fully considered but they are not persuasive.

Regarding applicant's arguments with respect to claim 3, applicant states that Humes teaches storing a plurality of telephone numbers in the device in advance of dialing the numbers, and entering an abbreviated command to sequence through the dialing of each stored number, referring to (Figure 2, column 3, lines 44-55, and column 4, lines 4-14). Applicant argues that the passage as cited by the Examiner does not appear to Applicants to teach what the Examiner states that they do. Applicant further states, that column 3, lines 44-55 discuss the linking of directory numbers, but does not appear to teach or suggest the sequencing through the link list for the purpose of automatically dialing the numbers. Examiner respectfully disagrees with applicant. Examiner would like to point out that the claim limitation as cited in claim 3, merely states "storing a plurality of telephone numbers in the device in advance of dialing the numbers". It is examiner's contention that, Humes, col. 3, lines 44-55 does in fact disclose a storage device which stores a number of directory numbers. Applicant's argument that col. 3, lines 44-55 fails to discuss sequencing through the link list is not necessarily incorrect, but it is noted that the features upon which applicant relies (i.e., sequencing through the link list) are not recited in the rejected claim. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant further argues, that the limitation of "entering an abbreviated command to sequence through the dialing of each stored number" is not suggested

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by the Humes. However, examiner again respectfully disagrees with applicant. Humes teaches in column 5, lines 10-27, where an outgoing call connection is done by directly dialing a specific directory number, selecting a particular directory number from a stored phone list or specifying a specific directory number via speed code or voice activation code.

Regarding applicant's argument with respect to claim 4, applicant argues hindsight. However, examiner respectfully disagrees. Examiner relied Lieben to show that it is well known in related art to automatically delete a number after a call to that number is completed. The examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Lieben provides motivation for one skilled in the art to recognize obviousness because Lieben offers more flexible usage options for a telephone with low memory administration complexity at the same time (see Lieben, col. 1, lines 24-35).

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 3 and 5 – 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Humes (US Patent No. 6,721,577).

Regarding claim 3, Humes teaches of in a communications device having a speed-dial function, a method of improving hands-free operation (Figure 4, column 5, lines 13 – 17), including the step of: storing a plurality of telephone numbers in the device in advance of dialing the numbers (Figure 2, column 3, lines 44 – 55); and entering an abbreviated command to sequence through the dialing of each stored number (Figure 2 and column 4, lines 4-15 & column 5, lines 10-26).

Regarding claim 5, Humes teaches all the claimed limitations as recited in claim 3. Humes further teaches of including the step of skipping a number which was unanswered for later recall (column 2, lines 11 – 20).

Regarding 6, Humes teaches all the claimed limitations as recited in claim 3. Humes further teaches of wherein the abbreviated command is manually entered (column 5, lines 13 – 17).

Regarding 7, Humes teaches all the claimed limitations as recited in claim 3. Humes further teaches of wherein the abbreviated command is spoken by a user (column 5, lines 13 – 17).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Humes (Humes, US Patent No. 6,721,577) in view of Lieben et al (Lieben, US Patent No. 6,081,730).

Regarding claim 4, Hume teaches all the claimed limitations as recited in claim 3. Hume does not specifically teach of including the step of automatically deleting a number after a call to that number has been completed.

In a related art dealing with voice dialing, Lieben teaches of including the step of automatically deleting a number after a call to that number has been completed (column 7, lines 3-10).

It would have been obvious to one skilled in the art at the time of invention to have included into Hume's directory dialing system, Lieben's deletion procedure, for the purposes of lowering memory administration complexity and allocation for a mobile, as taught by Lieben.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

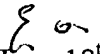
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edan Orgad whose telephone number is 571-272-7884. The examiner can normally be reached on 8:00AM to 5:30PM with every other Friday off..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Edan Orgad

  
June 18<sup>th</sup>, 2005

  
NAY MAUNG  
SUPERVISORY PATENT EXAMINER